CONFERENCE OF THE COMMITTEE ON DISARMAMENT CCD/517

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DRAFT REPORT OF THE WORKING GROUP ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES TO THE PLENARY

1. On 1 July 1976, the Conference of the Committee on Disarmament (CCD/PV.708) established, for 1976, a Working Group of the CCD, for the purpose of considering any modifications of the identical texts of a draft convention on the prohibition of military or any other hostile use of environmental modification techniques, submitted on 21 August 1975 by the delegations of the Soviet Union and the United States as CCD/471 and CCD/472 respectively, that any delegation might propose and of facilitating the negotiation of the text of an agreement.

2. The Working Group held twenty-eight meetings between 2 July and 31 August 1976, in which all the members of the CCD participated. In addition, informal negotiations were conducted over the same period on matters related to the Draft Convention.

3. During its deliberations from 2 July to 31 August 1976, the Working Group considered modifications proposed by various delegations to the identical texts of the Draft Convention contained in documents CCD/471 and CCD/472. There was agreement on many of these modifications but no agreements on others.

4. The text of the Draft Convention as modified, is reproduced in the following paragraph. The comments of some delegations on this text, as well as dissenting views or reservations, are given in paragraphs 6 to ___.

5. DRAFT CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

(The text of the draft convention the Annex and four understandings to follow)

6. The delegation of Argentina stated that, although it would not object to the consensus on transmitting the report of the Working Group to the plenary, it wished to place on record that it could not accept the Draft Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques on account of its well-known objections regarding Article I, paragraph 1 and Article II and their understandings, repeatedly expressed in the plenary meetings of the CCD and in the Working Group. The delegation also reserved the right to revert to these important matters in the plenary of the CCD and at the General Assembly of the United Nations when this draft Convention was considered.

7. The delegation of Mexico stated that, for the reasons explained at the 724th meeting, of the CCD, the delegation considered that the wording of Article I of the Draft Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, which had originated from the identical texts submitted in August 1975 by the delegations of the United States and the Soviet Union, was totally unacceptable. It was convinced that, if the desire was that the General Assembly of the United Nations should be able to recommend this text to the Member States, it was essential to delete the qualifying phrase "having widespread, long-lasting or severe effects". That would at least avert the danger that the provisions of paragraph 1, albeit much inferior to those of the original USSR text of 1974, might legitimize many acts of environmental warfare.

8. The delegation of India stated that it supported the transmittal to the plenary of the Draft Convention which had been just negotiated. However, this support is at the delegation level only. The delegation had not had enough time to obtain the final instructions of the Government of India. Thus the delegation of India reserved its right to offer final comments at a later stage.

9. The delegation of Brazil stated that it was its understanding that the Draft Understanding relating to Article I would not be included as an annex to the Draft Convention but would be recorded in the Report of CCD to the General Assembly. The delegation of Brazil would prefer this second alternative. In any case the delegation reserved the position of the Brazilian Government on this subject. The reservation was of a substantive nature because, as already stated by the delegation in the course of the debates, it considered the above-mentioned interpretations definitely not satisfactory. In spite of this formal reservation, the Brazilian delegation would not oppose a consensus to submit the Draft Convention to the consideration of the General Assembly.